

### **REMARKS**

Claims 1-3 are pending and stand rejected.

Claims 1-3 have been amended. Claims 4-6 have been added.

Claim 3 is rejected under 35 USC §101 as being directed to non-statutory matter. The examiner has suggested replacement language, which the applicant has incorporated into the claim.

Having amended the claims as suggested by the examiner, applicant submits that the reason for the examiner's rejection of the claim has been overcome and the rejection can no longer be sustained. Applicant respectfully requests entry of the amendment, reconsideration, and withdrawal of the rejection.

Claims 1-3 are rejected under 35 USC §112, second paragraph as being indefinite. With regard to the term, "data items," applicant has amended claims 1-3 to more clearly state that "data items are formed into successive groups." Further, with regard to the term "terminals," applicant organized the subject matter recited in claim 1 to provide a proper antecedent basis for this term. It should be recognized that in this case the order of the claim elements is changed only to provide antecedent basis to clearly state the invention. With regard to claims 2 and 3, these claims have been amended to indicate that the term "terminals" is associated with a processor.

Having amended the claims to more clearly state the invention and provide proper antecedent basis for the terms referred to by the examiner, applicant submits that the reason for the examiner's rejection of the claims has been overcome and the rejection can no longer be sustained. Applicant respectfully requests entry of the amendment, reconsideration, and withdrawal of the rejection.

Claims 1-3 are rejected under 35 USC §102(e) as being anticipated by Gratacap (USP no. 6,195,368). It is the examiner's position that Gratacap discloses each and every element of the present invention.

Applicant respectfully disagrees with, and explicitly traverses, the examiner's reason for rejecting the claim. A claim is anticipated only if each and every element recited therein is expressly or inherently described in a single prior art reference.

With regard to claim 1, which is an example of each of the independent claims, recites:

1. A data processing arrangement comprising:

- an input circuit [INP] for forming data items into successive groups of data [GRP] and for generating a basic control data item [BCD] and an additional control data item [SCD] for each group of data [GRP], the additional control data item [SCD] indicating for each data item if this data item is valid or not valid;

a data processing circuit [PRC], containing a plurality of terminal, for processing the data applied to the terminals in order to obtain an output data item; and

an interconnection network [ICN] for applying selected ones of the data item in the successive groups of data [GRP] from said input circuit to corresponding ones of a plurality of terminals [1, 2, 3, 4] of said processing circuit in dependence on the basic control data item [BCD] if the data item is valid and, if the data item is not valid, to apply a valid data item instead.

Gratacap, as read by applicant, describes a method and system for remultiplexing program bearing data. Gratacap discloses using status bits to indicate different states of a descriptor as to whether or not the descriptor is valid, invalid pointing to an error-ed packet. (see col. 17, lines 23-25). Gratacap further discloses that the status bits are used to determine "whether or not the descriptor has been fetched from the host memory ... and whether or not the descriptor has completed processing." (see col. 17, lines 39-41). Hence, the status bits of Gratacap are not the same as the SCD recited in the claim as the Gratacap status bits are used to determine whether a process has been completed (valid) or not completed (not valid).

Gratacap discloses using a PID pointer to determine whether a transport packet is to the output. Gratacap further discloses that the packets are discarded when they are not

to be outputted. Discarding of transport packets is repeated throughout the teachings of Gratacap. For, example, see col. 20, lines 52-55, which state, in part, "[a]s the name suggest, the processor simply discards the transport packet." (emphasis added). See also, col. 23, lines 54-56, which state in part, "[a]ccording to this process, the process 160 simply skips the transport packet and descriptor therefore. The examined descriptor is not counted as one of the j transport packets to be output." (emphasis added). See col. 26, lines 2-5, which state, "selectively discards each transport packet having a PID indicating that the transport packet is not to be retained." And, see col. 28, lines 1-6, which state "[a]s note above, if the transport packet corresponding to a descriptor in a queue examined by the processor 160 is not to be outputted ... the PID of this transport packet will index a transmit PID handler subroutine ... that does nothing." (emphasis added).

Gratacap cannot be said to anticipate the present invention because Gratacap fails to disclose that the status bits are used to determine whether a transport packet is to be deemed valid or not valid as the status bits of Gratacap are used to determine whether the transport packet has been processed. Further, Gratacap fails to perform any operation when the data is not to be output. Rather than applying a valid data item when the data is indicated to be invalid, as is stated in the claim, Gratacap performs no operation to replace or compensate for invalid data.

Having shown that Gratacap fails to disclose each and every element recited in the claim, applicant submits that the reason for the examiner's rejection of the claim has been overcome and the rejection can no longer be sustained. Applicant respectfully requests reconsideration and withdrawal of the rejection.

With regard to claims 2 and 3, the examiner rejected these claims citing the same reference used in rejecting claim 1. Claims 2 and 3 recited a method and a program, respectively, which include the claim language recited in claim 1. Thus, the applicant's remarks made in response to the examiner's rejection of claim 1 are also applicable in response to the examiner's rejection of claims 2 and 3. In view of the claim language regarding applying a valid data item when a data item is indicated to be invalid, which is

similar to the language in claim 1, and for the remarks made with regard to the rejection of claim 1, which are repeated herein in response to the rejection of the above referred to claims, applicant submits that the examiner's reason for rejecting these claims has been overcome and the rejection can no longer be sustained. Applicant respectfully requests reconsideration, and withdrawal of the rejection.

Applicant has added new claims 4-6, which depend from claims 1-3, respectively. No new matter has been added. Claims 4-6 recite subject matter that was originally contained in claims 1-3.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited reference. A Notice of Allowance is respectfully requested.

Should any unresolved issues remain that the examiner believes may be resolved via a telephone call, the examiner is invited to call applicant's attorney at the telephone number below.

No fees are believed necessary for the filing of this Amendment and Response.

Respectfully submitted,

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